



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 482	Assembly Amendments 1 and 2
<i>Memo published: March 7, 2014</i>	<i>Contact: Chadwick Brown, Staff Attorney (266-0922) Melissa Schmidt, Senior Staff Attorney (266-2298)</i>

Current Law

Under current law, the Law Enforcements Standards Board (LESB), which is attached to the Department of Justice (DOJ), has the authority to establish minimum educational and training standards for admission to employment as a law enforcement or tribal law enforcement officer. For purposes of LESB's authority, a "law enforcement officer" is defined to mean "any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed."

LESB also has the authority to establish minimum curriculum requirements for preparatory courses and programs, and recommend minimum curriculum requirements for recertification and advanced courses and programs for all of the following: (1) law enforcement officers and recruits; (2) tribal law enforcement officers and recruits; (3) jail officers and recruits; and (4) juvenile detention officers and recruits. To help establish the curriculum requirements, LESB is required to establish a 13-member advisory curriculum committee, which must advise LESB in the establishment of such requirements. This committee must consist of six chiefs of police and six sheriffs that must be appointed on a geographic basis of not more than one chief and one sheriff from any one of the eight state administrative districts together with the director of training of the Wisconsin State Patrol.

In addition, LESB has the authority to certify a person who is qualified to be a law enforcement officer, tribal law enforcement officer, jail officer, or juvenile detention officer. LESB may likewise decertify such persons who terminate employment or are terminated; violate or fail to comply with a rule or order of LESB relating to curriculum or training; fail to pay court-ordered payments of child or family support, maintenance, birth expenses, medical

expenses, or other expenses related to the support of a child or former spouse; or fail to comply, after appropriate notice, with a subpoena or warrant related to paternity or child support proceedings.

2013 Assembly Bill 482

Assembly Bill 482 (the bill) makes the following changes to current law:

- Clarifies that constables and marshals must comply with the minimum employment standards for law enforcement officers established by LESB, and must complete the training required by LESB if both of the following apply:
 - The constable or marshal is given law enforcement duties by the local unit of government's governing body that employs the constable or marshal.
 - The constable or marshal meets the definition of a "law enforcement officer," described above (i.e. "any person employed by the state or any political subdivision of the state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed").
- Authorizes LESB to decertify a law enforcement officer, tribal law enforcement officer, jail officer, or juvenile detention officer for any of the following reasons:
 - The person falsifies information to obtain or maintain certification status.
 - The person is certified as the result of an administrative error.
 - The person was convicted of a felony or any offense that, if committed in Wisconsin, could be punished as a felony.
 - The person was convicted of a misdemeanor crime of domestic violence.
- Changes the name of LESB's "advisory curriculum committee" to "curriculum advisory committee" and eliminates the limitation on committee membership, which states that not more than one chief of police and one sheriff from any one of the eight state administrative districts serve on the committee.
- Increases the minimum preparatory training hours required for law enforcement, tribal law enforcement officers, jail officers, and juvenile detention officers.
- Requires a preservice student taking part in the law enforcement or tribal law enforcement preparatory program created by LESB to be fingerprinted and that the fingerprints must be submitted to DOJ for identification verification and to obtain records of his or her criminal arrests and convictions.
- Prohibits a person from participating in a preparatory training program for law enforcement or tribal law enforcement officers if he or she was convicted of a federal felony, any crime of domestic violence, or any offense that, if committed in

Wisconsin could be punished as a felony, unless he or she has been granted an absolute and unconditional pardon for the crime.

- Requires LESB to create by written policy the training curriculum, competencies, student learning and performance objectives, particular subjects, and the minimum number of hours for each subject for law enforcement officers, tribal law enforcement officers, jail officers, and juvenile detention officers.
- Deletes the requirements that certain topics, such as domestic abuse training, be included in the training program for law enforcement or tribal law enforcement officers
- Decreases the time within which a law enforcement or tribal law enforcement recruit may complete a preparatory training program from two years, or three years for a part-time law enforcement or tribal law enforcement officer, down to 12 months.
- Requires LESB to establish criteria for firearm training, which do not need to be promulgated by rule.
- Requires all training programs and training schools for law enforcement officers, tribal law enforcement officers, jail officers, and juvenile detention officers and law enforcement instructors to be authorized and approved by LESB as meeting the standards it established.

Assembly Amendment 1

Assembly Amendment 1 amends the bill to specify that the following provisions applicable under the bill to a preservice student in a law enforcement and tribal law enforcement preparatory program also apply to a preservice student in either the jail officer or juvenile detention preparatory program established by LESB:

- The requirement that the person be fingerprinted and that a criminal background check be conducted.
- The prohibition on being able to participate in a jail officer or juvenile detention preparatory program established by LESB if he or she was convicted of a federal felony, any crime of domestic violence, or any offense that, if committed in Wisconsin could be punished as a felony, unless he or she has been granted an absolute and unconditional pardon for the crime.

Assembly Amendment 2

Assembly Amendment 2 amends the bill as follows:

- Lists “domestic violence investigations” among the subjects that may be included in the curriculum or preparatory courses established by LESB.
- Requires the curriculum advisory committee membership to contain, if applicable, “one or more representatives of colleges or universities.”

Bill History

Representative Bies introduced Assembly Amendment 1 on December 6, 2013, and Assembly Amendment 2 on January 31, 2014. On February 20, 2014, the Assembly Committee on Criminal Justice voted to recommend adoption of Assembly Amendments 1 and 2, by votes of Ayes, 10; Noes, 0; Absent, 1. The committee subsequently voted to recommend passage of the bill, as amended, by a vote of Ayes, 10; Noes, 0; Absent, 1.

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